

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	8:10CR103
vs.)	
)	PRELIMINARY ORDER
LEE A.WEINSTEIN,)	OF FORFEITURE
)	
Defendant.)	

NOW ON THIS 9th day of September, 2010, this matter comes on before the Court upon the United States' Motion for Issuance of Preliminary Order of Forfeiture. The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. The Defendant has entered into a Plea Agreement, whereby he has agreed to plead guilty to Counts I, II and the Forfeiture Allegation of said Information. Count I charges the Defendant with one count of conspiracy to distribute marijuana, in violation of 21 U.S.C. § 846. Count II charges the Defendant with one count of money laundering, in violation of 18 U.S.C. § 1956(h). The Forfeiture Allegation of said Information sought the forfeiture, pursuant to 21 U.S.C., § 853, of Lot 1, Benson Acres, 2nd Addition, as surveyed, platted, and recorded in Douglas County, Omaha, Nebraska, locally known as 4012 N. 72 Street, Omaha, Nebraska 68134-0000, on the basis it was used or was intended to be used to facilitate said controlled substance violation and/or was derived from proceeds obtained directly or indirectly as a result of the commission of said controlled substance violation.

2. Additionally, the Defendant, both in his individual capacity and in his corporate capacity as president of Weinstein, Inc., a Nebraska Corporation, also agreed to relinquish any right, claim, title or interest he and Weinstein, Inc. may have in:

(A) a 2002 Ford Expedition XL, 4-door, VIN 1FMPU16L92LA11568;

(B) car wash located at 3875 Leavenworth Street, Omaha, Nebraska—the 12 feet of vacated 39th Street and the west 77 feet of the vacated alley adjoining, and all of Lots 5, 6, and 7, and the west 76.89 feet of Lot 8, Billings Subdivision, as surveyed, platted, and recorded in Douglas County, Omaha, Nebraska, locally known as 3875 Leavenworth Street, Omaha, Nebraska;

(C) the residence/property located at 11029 Jones Street, Omaha, Nebraska—Lot 2, Block 12, Wear's West Pacific Addition, as surveyed, platted, and recorded in Douglas County, Omaha, Nebraska, locally known as 11029 Jones Street, Omaha, Nebraska; and

(D) a 1966/1967 Cessna, Model U206B, serial number U206-0745, fixed wing single engine aircraft, tail number N3445L.

3. By virtue of said plea of guilty, the Defendant forfeits his interest in the subject property, and the United States should be entitled to possession of said property, pursuant to 21 U.S.C., § 853.

4. The United States' Motion for Issuance of Preliminary Order of Forfeiture should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture is hereby sustained.

B. Based upon the Forfeiture Allegation of the Information and the Defendant's plea of guilty, the United States is hereby authorized to seize the above-referenced property.

C. The Defendant's interest in the above-referenced property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C., § 853(n)(1).

D. The aforementioned forfeited property is to be held by the United States in its secure custody and control.

E. Pursuant to 21 U.S.C., § 853(n)(1), the United States forthwith shall publish for at least thirty consecutive days on an official internet government forfeiture site www.forfeiture.gov notice of this Order, Notice of Publication evidencing the United States' intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in any of the subject forfeited property must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E., above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in the property, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject property and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C., § 853(n), in which all interests will be addressed.

ORDERED this 9th day of September, 2010.

BY THE COURT:

/s Joseph F. Bataillon

JOSEPH F. BATAILLON, CHIEF JUDGE
United States District Court